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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY A. PATE,

11 Plaintiff,

No. CIV S-04-1201 FCD DAD P

12 vs.

13 SACRAMENTO COUNTY
14 SHERIFFS DEPUTIES,

15 Defendants.

ORDER

16 _____/

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
18 42 U.S.C. § 1983. On September 11, 2006, the court ordered plaintiff to file his proof of service
19 reflecting service upon defendant Garcia, the sole defendant in this action, since plaintiff had
20 paid the filing fee and was not proceeding in forma pauperis. On September 20, 2006, plaintiff
21 filed an application requesting leave to proceed in forma pauperis and on October 10, 2006,
22 plaintiff filed a certified copy of his inmate trust account statement. The court will grant plaintiff
23 leave to proceed in forma pauperis and order plaintiff to submit the documents for service of
24 process by the U.S. Marshal.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's September 20, 2006 application for leave to proceed in forma pauperis is granted;

2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, an instruction sheet and a copy of the second amended complaint filed November 17, 2004.

3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

a. The completed Notice of Submission of Documents;

b. One completed summons;

c. One completed USM-285 form for defendant deputy Garcia; and

d. Two copies of the endorsed second amended complaint filed November 17, 2004.

4. Plaintiff need not attempt service on defendant and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve defendant Garcia pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

DATED: October 19, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:4
pate1201.1mod

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Plaintiff,

No. CIV S-04-1201 FCD DAD P

vs.

SACRAMENTO COUNTY
SHERIFFS DEPUTIES,

Defendants.

NOTICE OF SUBMISSION

OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____	completed summons form
_____	completed USM-285 forms
_____	copies of the _____ Complaint/Amended Complaint

DATED:

Plaintiff